

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 09-213V

Filed: April 20, 2010

IRVINE ALMA EDGAR

Petitioner,

v.

SECRETARY OF THE DEPARTMENT
OF HEALTH AND HUMAN SERVICES,

Respondent.

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Attorney fees and costs

ATTORNEY'S FEES AND COSTS DECISION¹

GOLKIEWICZ, Special Master.

On March 29, 2010, petitioner in the above-captioned case filed an Application for Attorney Fees and Costs. P Motion, filed March 29, 2010. In compliance with General Order #9, petitioner stated she incurred no out-of-pocket expenses in the pursuit of this matter. P Motion, ¶ 3, 10. Petitioner's counsel incurred \$14,970.00 in attorney fees and \$9,912.38 in litigation costs. The total amount requested is \$24,882.38. P Motion, ¶ 8. Petitioner avers respondent does not object to petitioner's Application for Attorney Fees and Costs. P Motion, ¶ 9.

The court hereby awards the petitioner \$24,882.38 in attorneys' fees and litigation costs. **Specifically, petitioner is awarded a lump sum of \$24,882.38, in the form of a check payable jointly to petitioner and petitioner's attorney.** The court thanks the parties for their cooperative efforts in resolving this matter.

¹The undersigned intends to post this decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction "of any information furnished by that party (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). Otherwise, the entire decision will be available to the public. Id.

The Clerk of the Court is directed to enter judgment accordingly.²

IT IS SO ORDERED.

Gary J. Golkiewicz
Special Master

²Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.

Furthermore, this amount is intended to cover all legal expenses. This award encompasses all charges by the attorney against a client, “advanced costs” as well as fees for legal services rendered. Furthermore, 42 U.S.C.A. §300aa-15(e)(3) prevents an attorney from charging or collecting fees (including costs) which would be in addition to the amount awarded herein. See generally, Beck v. Secretary of HHS, 924 F.2d 1029 (Fed. Cir. 1991).